

EXHIBIT 12

Excerpt from Deposition of
Laura Thoma, PharmD

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF LAURA THOMA, PHAR. M.D. on 03/08/2016

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION,

MDL No. 2419
Master Dkt: 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions Naming St. Thomas Outpatient
Neurosurgical Center

Videotaped Deposition of:

LAURA THOMA, PHAR. M.D.

Taken on behalf of the Plaintiffs
MARCH 8, 2016

1 Q. And that's what this document is and it
2 continues over onto the Page 10. Do you see that?

3 A. Yes.

4 Q. And then will you read -- there's a portion
5 of that highlighted. Will you read that for the
6 record, please?

7 A. "G, Dispensing. Product is dispensed by
8 patient specific prescription only. There must be a
9 patient practitioner patient pharmacist
10 relationship" -- I'm sorry. "There must be a
11 specific practitioner patient pharmacist relationship
12 to dispense an individual -- to an individual patient
13 or facility."

14 Q. Do you understand that that appeared in the
15 marketing materials that St. Thomas received in
16 making its decision to purchase product from NECC?

17 MR. SCHRAMEK: Object to the form.

18 THE WITNESS: If they received this page,
19 then they have it, yeah.

20 BY MR. GASTEL:

21 Q. Well, if you go back to the first page,
22 you'll see that -- of the entire exhibit, you'll see
23 that this is an attachment to an e-mail.

24 A. Okay.

25 Q. Do you see that? That was sent on, I

1 believe, September 27th, 2010.

2 A. Okay.

3 Q. And do you see that it's sent to Deborah

4 Schamberg?

5 A. Yeah.

6 Q. By --

7 A. By J.

8 Q. What is the date on this e-mail?

9 A. September 27, 2010.

10 Q. And it's from Jason Salvucci. Do you see

11 that?

12 A. Yes.

13 Q. And he identifies himself as the account

14 manager at NECC down there at the bottom.

15 A. Okay.

16 Q. Do you see that?

17 A. Yes.

18 Q. So were you aware that St. Thomas received

19 that document prior to making a purchase from NECC?

20 MR. SCHRAMEK: Object to the form.

21 THE WITNESS: I know they received

22 advertisements. I'm not sure, though, that I got

23 everything they received, but I do know they received

24 fliers on what NECC can do.

25 BY MR. GASTEL:

1 Q. And specifically going back to the document
2 that's been marked as Document 10 --

3 A. Uh-huh.

4 Q. -- or Page 10, is it your understanding when
5 you made your report that they had received that
6 document prior to purchasing from NECC?

7 A. When I made the report, did I realize that
8 all this -- what this content was? Not really. I
9 just know that they received some shiny fliers, but
10 let me -- let me just look here on what the
11 attachment is.

12 Okay. So did they all come in one package?
13 I'm not sure that I got everything.

14 Q. And that's fine. I'm going to hand you a
15 document that we'll mark as 1290-11. I'm going to go
16 back and talk about Ken Brown for a second.

17 (WHEREUPON, the above-mentioned document
18 was marked as Exhibit Number 1290-11.)

19 BY MR. GASTEL:

20 Q. Have you seen this document before?

21 A. From the 7th, no.

22 Q. This was back in August of 2014. Do you see
23 that date?

24 A. Oh, up here, yeah.

25 Q. And was it your understanding when you worked